CHRISTIE PABARUE & YOUNG, A Professional Corporation
By: John C. McNamara, Esquire
PA Atty I.D. No. 17875
1880 JFK Boulevard - Tenth Floor
Philadelphia, PA 19103
Ph: 215 587 1663/1600
jcmcnamara@cpmy.com

Attorneys for Defendant Equifax Information Services, LLC

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

FLORENCE SELVIN,)
Plaintiff,) Case No
V.)
EQUIFAX INFORMATION SERVICES LLC,)
Defendant.))

NOTICE OF REMOVAL

Defendant, Equifax Information Services LLC ("Equifax"), by Counsel, and hereby file this Notice of Removal of this action from the Court of Common Pleas of Montgomery County, wherein it is now pending as Case No. 2014-24066, to the United States District Court for the Eastern District of Pennsylvania. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. In support hereof, Defendant shows this Court as follows:

- 1. An action was filed on December 5, 2014 in the Court of Common Pleas of Montgomery County entitled *Florence Selvin v. Equifax Information Services*, Case No. 2014-24066 (the "State Court Action").
 - 2. Equifax was served with the Complaint on December 30, 2014.

- 3. This Notice is being filed with this Court within thirty (30) days after Equifax was served with a copy of Plaintiff's initial pleading setting forth the grounds for his action and his claims for relief.
- 4. This Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331, in that this is a civil action arising under the Constitution, laws or treaties of the United States; specifically 15 U.S.C. § 1681 *et seq.*, otherwise known as the Fair Credit Reporting Act ("FCRA"), as follows:
- (a) Plaintiff's Complaint, on its face, alleges a violation of the FCRA. (See Plaintiff's Complaint).
- (b) The FCRA, pursuant to 15 U.S.C. § 1681(p), provides that any action alleging a violation of its provisions "may be brought in any appropriate United States district court without regard to the amount in controversy . . . "
- 5. This case is also properly removable under 28 U.S.C. § 1441(a) and (b) because this United States District Court has original jurisdiction of this case under 28 U.S.C. § 1332(a), which provides, in pertinent part, as follows:
 - (a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and cost, is between --
 - (1) Citizens of different states...
- 6. Plaintiff seeks an amount in excess of the \$75,000 jurisdictional requirement. (See Exhibit A, Complaint, p. 35, seeking \$150,000 from defendant.)

- 7. The parties are citizens of different states. Plaintiff Florence Selvin is a resident of Pennsylvania. Defendant Equifax is organized and existing pursuant to the laws of the State of Georgia with its principal place of business in Georgia.
- 8. Promptly after the filing of this Notice of Removal, Equifax shall give written notice of the removal to Plaintiff and to the Clerk of the Court of Common Pleas of Montgomery County as required by 28 U.S.C. § 1446(d).
- 9. Attached hereto, as Exhibit A, are copies of the Summons and Complaint served upon Equifax in the State Court Action.

WHEREFORE, Equifax requests that the above-described action be removed to this Court.

Respectfully submitted this day of January, 2015.

Christie Pabarue and Young, A Professional Corporation

Bv:

John C. McNamara, Esquire PA Atty I.D. No. 17875

1880 JFK Boulevard - Tenth Floor

Philadelphia, PA 19103 Ph: 215 587 1663/1600

Fx: 215 587-1699

Attorneys for Equifax

Information Services, LLC

Of Counsel:

Brian J. Olson, Esquire King & Spalding LLP 1180 Peachtree Street N.E. Atlanta, GA 30309-3521

Ph: 404 215 5806

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing by electronic mail addressed to counsel of record as follows:

Vicki Piontek 951 Allentown Road Lansdale, PA 19446 Ph: 877-737-8617 palaw@justice.com Attorney for Plaintiff

Dated: January 21, 2015.

Christie Pabarue and Young, A Professional Corporation

Bv

John C. McNamara, Esquire PA Atty I.D. No. 17875 Attorneys for Equifax Information Services, LLC

EXHIBIT A



IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA CIVIL ACTION - LAW

Florence Selvin c/o Piontek Law Office 951 Allentown Road Lansdale, PA 19446

Plaintiff

1 lattice

2014-24066

Equifax Information Services, LLC

1500 Peachtree Street, NW

Atlanta, GA 30309

and

v.

X,Y,Z Corporations,

Jury Trial Demanded

Defendants

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THE COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE DEFENDANT. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.



Rept#Z2278917 Fee:\$0.00 Mark Levy - MontCo Prothonotary



YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

LAWYER REFERENCE SERVICE MONTGOMERY COUNTY BAR ASSOCATION 100 West Airy Street (REAR), NORRISTOWN, PA 19401 (610) 279-9660, EXTENSION 201

> Montgomery County Legal Aid Services 625 Swede Street, Norristown, PA 19401 610-275-5400

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA CIVIL ACTION - LAW

Florence Selvin : c/o Piontek Law Office :

951 Allentown Road :

Lansdale, PA 19446

Plaintiff : 2014-24066

v. : 2014-24066

Equifax Information Services, LLC 1500 Peachtree Street, NW

Atlanta, GA 30309 : Jury Trial Demanded

and X,Y,Z Corporations,

Defendants

COMPLAINT

- 1. This is a lawsuit for damages brought by an individual consumer for Defendant(s)' alleged violations of the Fair Credit Reporting Act (FCRA), and the Fair and Accurate Credit Transaction Act (FACTA), 15 U.S.C. 1681, et seq.
- 2. Venue is proper in this District because Defendant(s) regularly do(es) business in this jurisdiction and avails itself of the benefits of the market in this jurisdiction.
- 3. Plaintiff resides in this jurisdiction.
- 4. A substantial portion of the transaction(s), occurrence(s) act(s) and / or omission(s) complained of in this action took place in or near this jurisdiction.
- 5. Key witnesses are located at or near this jurisdiction.

- 6. Plaintiff resides near this jurisdiction.
- All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.
- 8. Plaintiff is Icarus Harmon, an adult individual with a mailing address of c/o Piontek Law Office, c/o Piontek Law Office, 951 Allentown Road, Lansdale, PA 19446.
- 9. Defendants are the following individuals and business entities.
 - Equifax Information Services, LLC, a corporation with an address including
 but not limited to 1500 Peachtree Street, NW, Atlanta, GA 30309.
 - b. X,Y,Z Corporations, business identities whose identities are not know to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such entities played a substantial role in the commission of the acts described in this complaint.

COUNT ONE: Violation of the Fair Credit Reporting Act and the Fair and Accurate Credit Transactions Act, 15 USC 1681 et. seq.

- 10. All previous paragraphs of this complaint are incorporated by reference and made a part of this complaint.
- 11. At all times mentioned herein Plaintiff was a consumer as defined by 15 USC 1681.
- 12. At all times mentioned herein Plaintiff was a person as defined by 15 USC 1681a (c).
- 13. At all times mentioned herein Plaintiff was an individual as defined by 15 USC 1681a(c).
- 14. At all times mentioned in this Complaint, Defendant(s) maintained a "consumer report" on Plaintiff as defined by 15 USC 1681(a)(d) et. seq.
- 15. At all times mentioned in this Complaint, Defendant(s) was a "consumer Reporting Agency" (CRA) as defined by 15 USC 1681a(f) et. seq.
- 16. At all times mentioned in this Complaint, Defendant(s) was a "person" as defined by 15 USC 1681a(f) et. seq.
- 17. Within the applicable statute of limitations prior to the commencement of this action,
 Plaintiff contacted Defendant(s) and requested his consumer report from Defendant(s).
- 18. Upon Plaintiff's request for his consumer report, Defendant(s) did provide Plaintiff with a free annual copy of Plaintiff's consumer report.

- 19. The consumer report provided to Plaintiff by Defendant(s) contained the names and addresses of certain business entities that had accessed Plaintiff's consumer report in the last 12 months.
- 20. According to 15 USC 1681g(a), a consumer reporting agency is required to disclose to the consumer the names of all persons or business entities that accessed the consumer's report within the last 12 months of the date of the report.
- 21. In addition to the requirement to disclose the names of all persons or business entities that accessed the consumer's report, the consumer reporting agency is also required to provide the telephone number for the persons or business entities that accessed the consumer's report in the last 12 months, upon written request of the consumer to disclose such telephone number(s), pursuant to 15 USC 1681g(a)(3).
- 22. Plaintiff requested the telephone numbers for certain business entities that had accessed Plaintiff's consumer report in the last 12 months from the date of the request(s). See attached exhibits.
- 23. Plaintiff's request(s) for the telephone numbers for certain business entities that had accessed Plaintiff's consumer report in the last 12 months from the date of the request(s) was / were in writing. See attached exhibits.

- 24. Defendant(s) received Plaintiff's written request(s) for the telephone numbers for certain business entities that had accessed Plaintiff's consumer report in the last 12 months from the date of the request. See attached exhibits.
- 25. Defendant(s) refused to disclose to Plaintiff's the telephone numbers for certain business entities that had accessed Plaintiff's consumer report in the last 12 months from the date of the request. See attached exhibits.
- 26. By refusing to disclose to Plaintiff's the telephone numbers for certain business entities that had accessed Plaintiff's consumer report in the last 12 months from the date of the request, Defendant(s) violated 15 USC 1681g(a)(3).

LIABILITY AND DAMAGES

- 27. The previous paragraphs of this Complaint are incorporated by reference.
- 28. It is believed and averred that the acts committed by Defendant(s), were willful.
- 29. Defendant(s) is liable for the acts committed by its agents under the doctrine of respondent superior because Defendant's agents were acting within the scope of their employment with Defendant.
- 30. In the alternative, Defendant(s) is liable for the conduct of its agents / employees under the theory of joint and several liability because Defendant and its agents / employees were engaged in a joint venture and were acting jointly and in concert.
- 31. Any mistake made by Defendant(s) would have included a mistake of law.
- 32. Any mistake made by Defendant(s) would not have been a reasonable or bona fide mistake.
- 33. It is believed and averred that Defendant(s)' acts and omissions were willful, and not an oversight, for the following reasons.
 - a. Defendant(s) blatant refusal to adequately respond to Plaintiff's
 aforementioned written requests for telephone numbers.
 - b. Defendant's failure to provide the telephone numbers was systemic and repeated.

- c. Defendant(s)' failure to provide the telephone numbers of the entities that accessed Plaintiff's consumer report to Plaintiff was the result of Defendant(s) policies, practices and procedures which were antithetical to Defendant(s) duties to provide such telephone numbers pursuant to 15 USC 1681g(a)(3).
- d. Numerous other similarly situated consumers were also affected in a similar manner as the Plaintiff as the result of Defendant(s) policies, practices and procedures which were antithetical to Defendant(s) duties to provide such telephone numbers pursuant to 15 USC 1681g(a)(3).
- 34. Plaintiff believes and aver that Plaintiff is entitled to at least \$1.00 actual damages for Plaintiff, including but not limited to phone, fax, stationary, postage, etc.
- 35. Plaintiff believes and avers that Plaintiff is entitled to \$1,000.00 statutory damages or other amount to be determined by this Honorable Court, because of the willful nature of the violations, pursuant to 15 USC 1681 et. seq.
- 36. Because Defendant(s)' acts and omissions were willful, Plaintiff believes and avers that punitive damages are warranted.
- 37. Plaintiff requests punitive damages against Defendant in the amount to be determined by this Honorable Court.
- 38. For purposes of a default judgment, Plaintiff believes and avers that the amount of such punitive damages should be no less than \$150,000.00.

ATTORNEY FEES

- 39. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.
- 40. Plaintiff believes and avers that Plaintiff is entitled to reasonable attorney fees for prosecuting this action pursuant to 15 USC 1681 et. seq.
- 41. Plaintiff believes and avers that Plaintiff's attorney fees amount to no less than \$1,750.00 at a rate of \$350.00 per hour, enumerated below, or such other amount as the Court deems just and proper.
- a. Consultations with client,
 review of file, preparing letters 2

 b. Drafting, editing, review, redaction and filing of complaint,
 and service of Complaint and related documents 1

 c. Follow up contact with Defense 2

 $5 \times $350 = $1,750.00$

- 42. Plaintiff's attorney fees continue to accrue as the case move forward.
- 43. The above stated attorney fees are for prosecuting this matter and reasonable follow up.

OTHER RELIEF

- 44. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.
- 45. Plaintiff seeks declaratory relief.
- 46. Plaintiff seeks in an order directing Defendant to comply with the aforementioned provisions of the Fair Credit Report and the Fair and Accurate Credit Transactions Act, 15 USC 1681 et. seq.
- 47. Plaintiff requests a jury trial in this matter.
- 48. Plaintiff demands a jury trial in this matter.
- 49. Plaintiff demands fees and costs for prosecuting this matter.
- 50. Plaintiff seeks such other relief as this Honorable Court may deem just and proper.

Wherefore, Plaintiff demands judgment against Defendant(s) in the amount of no less than \$152,751.00 as enumerated below.

\$1.00 more or less actual damages.

\$1,000.00 statutory damages for count one

\$1,750.00 attorney fees

\$150,000 punitive damages

\$152,751.00

Plaintiff seeks such additional relief as the Court deems just and proper.

Vulick; enter III 24/14

Vicki Piontek, Esquire

Date

Attorney for Plaintiff 951 Allentown Road

Lansdale, PA 19446

877-737-8617

palaw@justice.com Fax: 866-408-6735

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA **CIVIL ACTION - LAW**

Florence Selvin c/o Piontek Law Office 951 Allentown Road Lansdale, PA 19446

Plaintiff

Defendants

v.

Equifax Information Services, LLC 1500 Peachtree Street, NW

Atlanta, GA 30309

and

X,Y,Z Corporations,

Jury Trial Demanded

VERIFICATION

I, Florence Selvin, have read the attached Complaint. The facts stated therein are ture and correct to the best of my knowledge, understanding and belief.

EXHIBITS



Complaint In

Rcpt#Z2278917 Fee:\$0.00 Exhibit 1 Mark Levy - MontCo Prothonotary



Florence Selvin 254 South Farragut Street Philadelphia, PA 19139 267-

Equifax Information Services P.O. Box 740241 Atlanta, GA 30374

RE: Florence Selvin

SSN:

DOB:

To Whom it May Concern:

Recently I received a copy of my consumer report. Several companies made inquiries and received my consumer report in the last 12 months. See attached excerpt from your company showing these inquiries.

My consumer report does not show the telephone number for all of the companies that made the inquiries. Sometimes the phone number appears for some of the companies. Sometimes the telephone number for the companies does not appear.

I would like to request the telephone numbers for the following companies that accessed my consumer in the last 12 months.

> K Motors, Inc. Amexdsnb

Date of Inquiry 8/26/2013 Date of Inquiry 3/28/2014

Enclosed please find a copy of my drives license to prove my identity.

Thank you.

Sincerely,

Florence Selvin 5/6/204

Florence Selvin Date

Florence Selvin 254 South Farragut Street Philadelphia, PA 19139 267-

Equifax Information Services P.O. Box 740241 Atlanta, GA 30374

RE: Florence Selvin

DOB

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Thank you.

Sincerely,

Florence Selvin Glas port

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